

**II. PETITION FOR DECLARATORY AND INFORMAL REQUEST FOR COMMISSION ACTION**

Should the Commission determine for any reason that a formal complaint does not procedurally lie in this matter, Complainant's alternatively request:

- (a) a declaratory ruling, pursuant to Section 5(d) of the Administrative Procedure Act, 5 U.S.C. § 554(e), and Section 1.2 of the FCC Rules and Regulations, 47 C.F.R. § 1.2, that the actions of Defendants Doering and Pick as described above are unlawful and not in accordance with Commission policy;
- (b) informally, pursuant to Section 1.41 of the FCC Rules and Regulations, 47 C.F.R. § 1.41, the issuance of an order providing for the relief requested in Section I.C.2, above.

Respectfully submitted,

**United Corporation of Southern California  
and James A. Kay, Jr.**

By:   
Robert J. Keller  
Their Attorney

**LAW OFFICE OF ROBERT J. KELLER, P.C.**  
4200 Wisconsin Avenue, N.W. #106-233  
Washington, D.C. 20016-2143

Telephone: 301-320-5355  
Facsimile: 301-229-6875  
Email: [rjk@telcomlaw.com](mailto:rjk@telcomlaw.com)

Dated: 30 May 1997

**EXHIBIT No. 1**

# RADIO STATION LICENSE

Licensee Name: UNITED CORPORATION OF SOUTHERN CALIFORNIA

Radio Service: GB CONVENTIONAL BUSINESS

License Issue Date: 931104

Call Sign: WNMT733

File Number: 9308630274

License Expiration Date: 981104

Frequency Advisory No: 932000072

Number of Mobiles by Category: Vehicular - \*\*15\*\* Portable - \*\*\*1\*\* Aircraft - \*\*\*\*\* Marine - \*\*\*\*\*

931104M 313 1 12

UNITED CORPORATION OF SOUTHERN CALIFORNIA  
ROBERT L SPRINGFIELD  
542 E CENTRAL PK  
ANAHEIM CA 92802

## Station Technical Specifications

FCC I.D.	Frequencies (MHz)	Station Class	No. of Units	Emission Designator	Output Power (Watts)	E.R.P. (Watts)	Ground Elev	Ant. Hgt. To Tip	Antenna Latitude	Antenna Longitude
1:	853.03750	FB4	1	20K0F3E	125.000	500.000	5687	60	33-42-28	117-32-00
							HAAT	3992		
	808.03750	MO	16	20KCF3E	35.000	35.000				
	853.03750	MO	16	20K0F3E	35.000	35.000				
2:	808.03750	FX1	1	20K0F3E	10.000	35.000				
TRANSMITTER STREET ADDRESS							CITY		COUNTY	STATE
1:	SANTIAGO PEAK						EL TORO		ORANGE	CA
2:										CA
AREA OF OPERATION										
SITE 1: 70 MIRA 33-42-28N 117-32-00W EL TORO ORANGE CA										
CONTROL POINTS: 542 E CENTRAL PARK ANAHEIM CA										
CONTROL POINT PHONE: 714-533-3860										
ADMIN NOTE: SEE ATTACHED #14										
EMISSION DESIGNATOR(S) CONVERTED TO CONFORM TO DESIGNATOR(S) SET OUT IN PART 2 OF THE COMMISSION'S RULES.										

PAGE 1 OF 1



FEDERAL  
COMMUNICATIONS  
COMMISSION

This authorization becomes invalid and must be returned to the Commission if the stations are not placed in operation within eight months, unless an extension of time has been granted. EXCEPTION 800 MHz trunked and certain other MURS stations.

5-12

**EXHIBIT NO. 2**

**ROBERT J. KELLER, P.C.**  
Federal Telecommunications Law  
4200 WISCONSIN AVE NW # 106-233  
WASHINGTON DC 20016-2143

Downtown Office:  
2000 L ST NW STE 200  
WASHINGTON DC 20036-4907  
Telephone 202.416.1670

Telephone 301.320.5355 / 888.320.5355  
Facsimile 301.229.6875 / 888.229.6875  
rjk@telcomlaw.com  
www.his.com/~rjk

21 March 1997

Mr. Harold Pick  
350 Mesa Road  
Santa Monica, California 90402

In re: United Corporation of Southern California  
Business Radio Service Station (GB) WNMT733  
Santiago Peak (El Toro) California

Dear Mr. Pick:

I am special communications counsel to United Corporation of Southern California ("United") with respect to the above-referenced station.

Sometime in the first half of September 1995, Mr. Robert L. Springfield executed an FCC Form 1046 with the understanding that it was to be used to assign the above-referenced license from United to you. It was also Mr. Springfield's understanding that you would continue to use the station to provide him with repeater service. Although United has continuously used its radios since that time, it nonetheless appears that the intended assignment application (i.e., an application to assign the license from United to you) was never filed with the FCC. Insofar as you never submitted the intended assignment application to the Commission, no assignment could have been lawfully completed before this time. It appears, however, that the form executed by Mr. Springfield may have been used to effect an assignment of the authorization to a third party without United's knowledge or consent.

The purpose of this letter is to advise you that, insofar as (a) it has been over eighteen months since the FCC Form 1046 was executed, and (b) you have never filed the intended assignment application, UNITED HEREBY REVOKES AND RESCINDS ANY ASSIGNMENT MADE TO YOU, BY FCC FORM 1046 OR OTHERWISE.

Very truly yours,



Robert J. Keller

cc: Lewis H. Goldman, Esquire  
W. Riley Hollingsworth, Esquire  
William H. Kellett, Esquire

**EXHIBIT NO. 3**

(RESERVED)

SPECIAL USE

FCC USE ONLY

(Read instructions carefully BEFORE proceeding.)

**PAYOR INFORMATION**

1) FCC ACCOUNT NUMBER Did you have a number prior to this? Enter it. (2) TOTAL AMOUNT PAID (dollars and cents)  
 S 90.00

1) PAYOR NAME (If paying by credit card, enter name exactly as it appears on your card)

Jim Doering d/b/a J. Doering Communications

STREET ADDRESS LINE NO. 1

511 South Palm Avenue

STREET ADDRESS LINE NO. 2

Unit 2

CITY

Alhambra

(7) STATE

CA

(8) ZIP CODE

91803

DAYTIME TELEPHONE NUMBER (Include area code)

(818) 308-0398

(10) COUNTRY CODE (if not U.S.A.)

**ITEM #1 INFORMATION**

1) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR

FCC USE ONLY

Jim Doering d/b/a J. Doering Communications

FCC CALL SIGN/OTHER ID

(13A) ZIP CODE

91803

(14A) PAYMENT TYPE CODE

P A L M

(15A) QUANTITY

2

(16A) FEE DUE FOR PAYMENT TYPE CODE IN BLOCK 14  
\$45.00

FCC CODE 1

(18A) FCC CODE 2

ADDRESS LINE NO. 1

1. South Palm Avenue

(20A) ADDRESS LINE NO. 2

Unit 2

(21A) CITY/STATE OR COUNTRY CODE

Alhambra, California

**ITEM #2 INFORMATION**

1) NAME OF APPLICANT, LICENSEE, REGULATEE, OR DEBTOR

FCC USE ONLY

FCC CALL SIGN/OTHER ID

(13B) ZIP CODE

(14B) PAYMENT TYPE CODE

(15B) QUANTITY

(16B) FEE DUE FOR PAYMENT TYPE CODE IN BLOCK 14  
\$

FCC CODE 1

(18B) FCC CODE 2

ADDRESS LINE NO. 1

(20B) ADDRESS LINE NO. 2

(21B) CITY/STATE OR COUNTRY CODE

**CREDIT CARD PAYMENT INFORMATION**

MASTERCARD/VISA ACCOUNT NUMBER:

card

[Account Number Box]

EXPIRATION DATE

[Month Box]

[Year Box]

Month

Year

I authorize the FCC to charge my VISA or Mastercard services (authorizations herein describe).

AUTHORIZED SIGNATURE

DATE

FCC 600  
Main Form

FEDERAL COMMUNICATIONS COMMISSION

FCC Use Only  
(File Number)

013489

Application for Mobile Radio Service Authorization  
or Rural Radiotelephone Service Authorization

FCC/MELLON

FEE Use Only

DEC 14 1995

FILING FEE

FCC/MELLON

DEC 05 1995

(a) Fee Type Code	(b) Fee Multiple	(c) Fee Due for Fee Type Code in (a)	(d) Total Amount Due	FEE Use Only
PALM	1	\$45.00	\$ 45.00	90.00

APPLICANT

1. Legal Name of Applicant Jim Doering d/b/a J. Doering Communications		2. Voice Telephone Number (818 ) 308-0398	
3. Assumed Name Used for Doing Business (if any) J. Doering Communications		4. Fax Telephone Number (818 ) 308-3909	
5. Mailing Street Address or P.O. Box ATTENTION: 511 South Palm Avenue, Unit 2			
6. City Alhambra		7. State CA	8. Zip Code 91803
9. Name of Contact Representative (if other than applicant) Melissa Lynne Smale		10. Voice Telephone Number (202 ) 659-5353	
11. Firm or Company Name Lewis H. Goldman, P.C.		12. Fax Telephone Number (202 ) 835-8961	
13. Mailing Street Address or P.O. Box 1850 M Street, N.W., Suite 1080			
14. City Washington		15. State DC	16. Zip Code 20036

CLASSIFICATION OF FILING

17. This filing is a (an) [ N ] <u>New application</u> <u>Amendment to a pending application</u>	
18. Does the applicant believe that this filing should be classified as MINOR under 47 U.S.C. § 309? [ D ] <u>Yes</u> <u>No</u> <u>Does not apply</u>	
19. If not minor under 47 U.S.C. § 309, classification for purposes of competitive bidding: [ M ] <u>Initial</u> <u>Modification</u> <u>Renewal</u>	
20. If this filing is in reference to an existing station: Call sign of existing station: WNMT733 11/4/98	21. If this filing is an amendment to a pending application: File number of pending application: Date Filed:

NATURE OF SERVICE

22. This filing is for authorization to provide or use the following type(s) of radio service: [ P ] <u>Commercial mobile</u> <u>Private mobile</u> <u>Both commercial and private mobile</u> <u>Fixed</u>		
23. Users are or will be: [ E ] <u>Public subscribers</u> <u>Eligibles</u> <u>Internal</u>		24. Status: [ P ] <u>Profit</u> <u>Not for profit</u>
25. Interconnected service? [ Y ] <u>Yes</u> <u>No</u>	26. Radio Service code: [ GB ]	27. Type of operation code: [ ]



## ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental effect as defined by 47 CFR 1.13077

[ N ] ☒ Yes ☐ No

• If "yes", attach environmental assessment as required by 47 CFR 1.1308 and 47 CFR 1.1311.

## ALIEN OWNERSHIP

29. Is the applicant a foreign government or the representative of any foreign government?

[ N ] ☒ Yes ☐ No

30. Is the applicant an alien or the representative of an alien?

[ N ] ☒ Yes ☐ No

31. Is the applicant a corporation organized under the laws of any foreign government?

[ N ] ☒ Yes ☐ No

32. Is the applicant a corporation of which any officer or director is an alien or of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?

[ N ] ☒ Yes ☐ No

33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, or of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?

[ N ] ☒ Yes ☐ No

• If "yes", attach exhibit explaining nature and extent of alien or foreign ownership or control.

## BASIC QUALIFICATIONS

34. Has the applicant or any party to this application or amendment had any FCC station authorization, license or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, construction permit denied by the Commission?

[ N ] ☒ Yes ☐ No

• If "yes", attach exhibit explaining circumstances.

35. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court?

[ N ] ☒ Yes ☐ No

36. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition?

[ N ] ☒ Yes ☐ No

37. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items?

[ N ] ☒ Yes ☐ No

38. Does the undersigned certify (by responding "Y" to this question), that neither the applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance?

[ Y ] ☒ Yes ☐ No

• See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes.

## CERTIFICATION

The APPLICANT waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

39. Applicant is a (an) [ I ] Individual ☐ Unincorporated Association ☐ Partnership ☐ Corporation ☐ Governmental Entity

40. Typed Name of Person Signing

Jim Doering

41. Title

Owner

42. Signature

*Jim Doering*

43. Date

9/20/95

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

FCC  
600

FEDERAL COMMUNICATIONS COMMISSION  
SCHEDULE D

Administrative Data

(all services except those for which Schedule A is required)

Approved for  
2000-  
License 007  
Ext. Any Station in  
the Frequency 4

FCC Use Only

Licensee Name Jim Doering d/b/a J. Doering Communications	Radio Service GB	Call Sign or Station Location (City, State) WNMT733
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PURPOSE OF FILING

D1. The purpose of this filing is to:  ( ) <u>N</u> request a new station license. ( <u>M</u> ) <u>M</u> modify an existing licensed station(s). ( ) <u>R</u> renew an existing licensed station. ( ) <u>X</u> reinstate an expired call sign. ( <u>A</u> ) <u>A</u> assign an existing license.	D2. If system licensing, list call signs of stations to be combined. (First call sign will be retained.)
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D3. Specify proposed modifications, if any:

Add mobiles on 853.0375 MHz.

Relocate station 0.25 miles to increase service to personnel and vehicles.

ASSOCIATED CALL SIGNS

D4. Call signs:

RADIO SYSTEM OPERATION POINT OF CONTACT

D5. Street Address, City, State 511 South Palm Avenue, Unit 2 Alhambra, CA 91803	D6. Voice Telephone Number ( 818 ) 308-0398
---	--

ASSOCIATED BROADCAST STATION

D7. Call Sign	D8. City	D9. State
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MARKET AREA

D10. Market Area / Number

PAGING OPERATIONS

D11. Number of Paging Receivers

ELIGIBILITY

D12. Describe Activity. Applicant is engaged in the commercial activity of providing radio equipment, service and sites. Facilities will be used to coordinate employees and vehicles, and to provide service to other eligibles under Part 90.75.	D13. Rule Section 90.75
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FOR FREQUENCY COORDINATOR'S USE ONLY

D14. Frequency Coordination Number ( 953140141 )

FCC  
600

FEDERAL COMMUNICATIONS COMMISSION

SCHEDULE E

# Station Location Data

(all services except those for which Schedule A is required)

Approved by C  
3000-1  
Revised 10/71  
Ext. Reg. Bureau File  
Per Paragraph 6.1

FCC Use Only

Licensee Name  
Jim Doering  
d/b/a J. Doering Communications

Radio Service  
GB

Call Sign or Station Location (City, State)  
WNMT733

E1. Specify the datum used to determine all coordinates on this filing: ( 2 ) NAD27 NAD83 Other ( Specify \_\_\_\_\_

## FIXED OR PERMANENT LOCATIONS

LOC	E2. Station Address / Geographic Location	E3. City	E4. County	E5. State
A	Santiago Peak	Corona	Riverside	CA
B				
C				
D				
E				
F				

LOC	E6. Latitude (degrees, minutes, seconds)	E7. Longitude (degrees, minutes, seconds)	E8. Ground Elevation (meters)
A	N33-42-28	W117-31-54	1731
B			
C			
D			
E			
F			

## CONTROLS MEETING THE 20 FOOT CRITERIA, MOBILE OR TEMPORARY LOCATIONS

LOC	E9. Radius (km)	E10. Area of Operation Code	E11.				E12. Operations (S) South of Line A and/or (W) West of Line C
			LATITUDE	LONGITUDE	COUNTY	STATE	
G	113	A	- -	- -		CA	
			- -	- -			
			- -	- -			
			- -	- -			
			- -	- -			
			- -	- -			

## SCHEDULE F

## Antenna Structure Data

(All Services)

Approved by OAS  
3000-0023  
Expires 10/31/97  
Ext. Reg. Section Plans  
Per Paragraph 4.101

FCC Use Only

Licensee Name Jim Doering d/b/a J. Doering Communications	Radio Service GB	Call Sign or Station Location (City, State) WNMT733
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## STATUS AND IDENTIFYING INFORMATION

LOC	F1. Location Number	F2. New or Existing	F3. Call Sign of Existing Station	F4. Radio Service	F5. Tower Owner's Name and Telephone Number
A	1	E	WNMT733	GB	Touch Tel Corp. (415) 697-1000
B					( )
C					( )
D					( )
E					( )
F					( )

## STRUCTURE TYPE AND HEIGHT

LOC	F6. Figure Number (see reverse)	F7. Structure Type	F8. Height of Support Structure (b) (meters)	F9. Overall Height of Structure (d) (meters)	F10. FCC Tower Number
A	3	Tower	21	21	
B					
C					
D					
E					
F					

## FAA NOTIFICATION

LOC	F11. FAA notified? Yes No	F12. Date FAA Notification Filed	F13. FAA Regional Office Notified	F14. FAA Study Number
A				
B				
C				
D				
E				
F				



# FEDERAL COMMUNICATIONS COMMISSION

## ASSIGNMENT OF AUTHORIZATION

Approved by OMB  
3080-0127  
Expires 5/31/94  
See below for public  
burden estimate

*(To be used in the Private Radio Services indicated below, where the present licensee's activities are intended to be continued under new ownership.)*

1. The present licensee completes the information requested below.
2. This form is then attached to the proper application form (see below) which has been completed by the party requesting the station license, the assignee.
3. If more than one authorization is involved, use a separate Assignment of Authorization and a separate application form for each requested authorization.


### INVOLUNTARY ASSIGNMENT

In the event of the assignor's death or legal disability, it is requested that, in lieu of the declaration appearing below, you submit a copy of the court order or other documentary proof that you are the person legally qualified to succeed to the assignor's business assets, or a statement explaining the circumstances under which control must be involuntarily transferred to the assignee, accompanied by the appropriate application form (see below) for assignment of each such authorization.

### RADIO SERVICE APPLICATION FORMS

### COMMISSION RULES

FCC Form 574 - Application for Private Land Mobile and General Mobile Radio Services	90.119
FCC Form 402 - Application for Station Authorization in the Private Operational Fixed Microwave Radio Service	94.27
FCC Form 406 - Application for Ground Station Authorization in the Aviation Services	87.21
FCC Form 503 - Application for Land Radio Station License in the Maritime Services	80.19

CURRENT AUTHORIZATION	
Radio Service GB	Licensee Name and Station Location United Corporation of Southern California Santiago Peak, El Toro, Orange County, CA
Call Sign    WNMT733	
CERTIFICATION	
<p>I hereby propose the assignment of all my right, title and interest in the authorization described above. Such assignment to <u>Jim Doering d/b/a J. Doering Communications</u> shall not be completed nor become effective until authorization has been issued by the Commission in the name of the assignee. My authorization will be submitted to the Commission for cancellation upon completion of assignment.</p>	
Name of Assignor (include title, if applicable) Robert L. Springfield	Assignor's Signature and Date  <div style="float: right;">9/19/95</div>

**Notice to Individuals Required by The Privacy Act of 1974 and the Paperwork Reduction Act of 1980**  
Sections 301, 303 and 308 of the Communications Act of 1934, as amended, (licensing powers) authorize the FCC to request the information on this application. The purpose of the information is to determine your eligibility for a license. The information will be used by FCC staff to evaluate the application, to determine station location, to provide information for enforcement and rule making proceedings and to maintain a current inventory of licensees. No license can be granted unless all information requested is provided. Your response is required to obtain this benefit.

Public burden for this collection of information is estimated to be five minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Federal Communications Commission, Information and Records Management Branch, Room 416, Washington, DC 20554, and to the Office of Management and Budget, Paperwork Reduction Project, (3060-0127), Washington, DC 20503.

FCC 1048  
JANUARY 1992

5-23

CERTIFICATE OF CONSTRUCTION

This application seeks the Commission's consent to assignment of the license of 800 MHz Conventional Business Station WNMT733 operating at El Toro, California. Station WNMT733 was fully constructed on November 18, 1988. The proposed assignor does not anticipate that the proposed assignee will make any substantial change in the operation of the station that will arise out of the grant of this application except as set forth herein. Accordingly, the proposed assignor submits that this application would be in the public interest.

Robert L. Springfield, Assignor

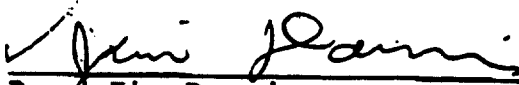
/s/ Robert L. Springfield  
By: Robert L. Springfield

Dated: September 20, 1995

CERTIFICATE OF CONSTRUCTION

This application seeks the Commission's consent to assignment of the license of 800 MHz Conventional Business Station WNMT733 operating at El Toro, California. Station WNMT733 was fully constructed on November 18, 1988. The proposed assignee does not anticipate that any substantial change in the operation of the station will arise out of the grant of this application except as set forth herein. Accordingly, the proposed assignee submits that this application would be in the public interest.

Jim Doering, Assignee

  
By: Jim Doering  
J. Doering Communications

Dated: ✓ 9-18-95



**EXHIBIT No. 4**

1 LEWIS, D'AMATO, BRISBOIS, & BISGAARD  
2 ANNIE VERDRIES, ESQ. - ATTORNEY BAR NO. 91049  
3 650 Town Center Drive, Suite 1400  
4 Costa Mesa, California 92626-1970  
5 (714) 545-9200

MAY 12 1995

5 Attorneys for Chapter 7 Trustee  
6 DUKE SALISBURY

ENTERED

MAY 1

8 UNITED STATES BANKRUPTCY COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

11 In re:

Case No.: LA93-38738LF

12 HAROLD RUDOLPH PICK  
13 COMMUNICATIONS CONSULTANTS  
14 SYSTEMS, COMPUTER CONSULTANTS  
15 SYSTEMS

Chapter 7

ORDER AUTHORIZING CHAPTER 7  
TRUSTEE TO SELL ASSETS OF THE  
ESTATE

Debtor.

DATE: March 8, 1995  
TIME: 10:00 a.m.  
CTRM: 1675

16 The continued hearing on Trustee's Motion for Order Approving  
17 Sale of Property of the Estate was held on March 8, 1995 at 10:00  
18 a.m. in courtroom 1675 before the Honorable Lisa Hill Fenning,  
19 United States Bankruptcy Judge. Annie Verdries of Lewis, D'Amato,  
20 Brisbois & Bisgaard appeared on behalf of Duke Salisbury, Chapter  
21 7 Trustee; Jeffrey Cohen of Mickelson & Pavone appeared on behalf  
22 of James Kay, a creditor and prospective purchaser; Joe Bogden of  
23 Manatt, Phelps & Phillips appeared on behalf of Motorola, Inc., a  
24 creditor; Harold Pick appeared in pro se and Gerard Pick was  
25 present in court.

26 The court having reviewed the pleadings and records on file

LEWIS, D'AMATO  
BRISBOIS & BISGAARD  
Lawyers  
650 Town Center Drive  
Suite 1400  
Costa Mesa, CA 92626  
(714) 545-9200

11A7A95CM 155001

1 herein, and having heard argument of counsel and the Debtor, and  
2 good cause appearing therefor, orders:

3 IT IS ORDERED the Motion to Sell Assets of the Estate to  
4 James A. Kay or his assignee for the sum of \$35,500.00 is approved  
5 effective May 15, 1995.

6 IT IS FURTHER ORDERED that the Trustee is authorized to sell  
7 the licenses and call signs issued by the Federal Communications  
8 Commission, listed in Exhibit "A" attached hereto and the pending  
9 applications for call signs and licenses with the Federal  
10 Communications Commission listed in Exhibit "B" attached hereto.

11 The trustee is further authorized to sell the estate's  
12 interest in the repeater tone panels, micro systems, power supply  
13 systems, amplifiers, splitters, dispatch trunking logic systems,  
14 antennas, cables, isolators and transmit combiner system located at  
15 Mt. Lukens, Saddle Peak and Oat Mountain as listed in Exhibit "C"  
16 attached hereto.

17 The purchase price for all the above identified items is  
18 \$35,500.00 cash, all due and payable immediately.

19 James A. Kay or his assignee is a good faith purchaser for  
20 value.

21  
22 Dated: \_\_\_\_\_

23 LISA HILL FENNING  
24 UNITED STATES BANKRUPTCY JUDGE  
25  
26  
27  
28

**EXHIBIT No. 5**

# **DECLARATION OF ROBERT L. SPRINGFIELD**

I, Robert L. Springfield, depose and state the following:

1. I am the principal stockholder of United Corporation of Southern California ("United"), which does business in the names Hotline Cleaning and Center Maintenance Company. I have been an owner of this business for more than fifteen year. United sells and services high pressure cleaning equipment and also performs contract cleaning.
2. Until mid-September 1995 I was actively involved in the day-to-day management of United. Since my retirement in mid-September 1995 the day-to-day operations are managed by my son, but I still retain voting control and equity ownership in United and oversee all major business decisions.
3. In connection with its business operations, United at various times used one or more mobile radios for dispatching and communications. At one time United held a Radio Station License issued by the Federal Communications Commission for Conventional Business Radio Service Station WNMT733. This license authorized us to operate our mobile radios through a repeater located on Santiago Peak. A copy of that authorization is appended hereto as Attachment No. 1.
4. At various times in the past, United contracted for and used the services of a Mr. Harold Pick for both repeater service and for repair and service on our radios.
5. In mid to late 1995 I entered into an oral agreement with Mr. Pick whereby United agreed to assign the license for Station WNMT733 to Harold Pick in satisfaction of an outstanding monetary obligation. The agreement I made also provided that Mr. Pick would, after the license assignment, provide us with free repeater service on that call sign.
6. I do not recall the exact date of this agreement but I am confident that it was sometime in the sixty to ninety date period prior to September 16, 1995. I know that because I got married on that date and then wen on a cruise. I also retired from full-time employment with United on or prior to that date. The arrangement with Mr. Pick regarding the assignment of the United license was made prior to my retirement and marriage. Following the wedding, my wife and I left for a cruise to Mexico. We were on the cruise from September 18, 1995 to September 22, 1995. I did not sign any papers or conduct any business on behalf of United while on the cruise.
7. I am not involved in the mobile radio business and therefore do not have a sophisticated understanding of the procedures and regulations applicable to these systems. It was my understanding, based on statements made to me by Mr. Pick, that it was necessary for me to assign United's license to him so that he could use the license to provide us with repeater service. I have since been advised by legal counsel that it was not necessary for me to have assigned United's license, and that I could have (a) contracted with a manager to construct and operate a repeater owned or leased by United, (b) obtained service via United's license through a co-channel community repeater, or (c) received repeater service as an "end user" on the same channel from another entity. Had I been aware of these options at the time, they would have been taken into consideration when I decided whether or not to assign the license to Mr. Pick.

8. Because of the agreement I entered into with Mr. Pick, I have assumed that, since that time, the United license had been assigned to Pick and that United was receiving repeater service from Mr. Pick using that license. I have since learned that the United license was never assigned to Mr. Pick, but instead was assigned to "Jim Doering d/b/a J. Doering Communications." I do not know Jim Doering and, until recently, had never heard of him. I certainly never assigned United's radio authorization to Mr. Doering or his company, I did not have any intention of doing so, and I never agreed with anyone to do so.
9. Attachment No. 2 hereto is a copy of an FCC Form 1046 (Assignment of Authorization) bearing my signature. I recall signing such a form during a meeting with Mr. Pick in early September of 1995. Mr. Pick asked me to sign such a form in connection with the assignment of United's license to Mr. Pick. I do not recall whether the form I signed had United's name and call sign filled in, but I do know that the name "Jim Doering d/b/a J. Doering Communications" was *not* entered in the "Certification" portion of the form. If it had been I would have noticed that at the time and questioned Mr. Pick about it because: (a) I did not know and had never heard of a Mr. Doering, and (b) I was assigning the United authorization to Mr. Pick, not Mr. Doering.
10. In the same box with my signature on the FCC Form 1046 (Attachment No. 2 hereto) the date "9/19/95" has been typed. I did not enter this date, nor did I sign the form on that date. The date was not on the form when I signed it. I did *not* sign the form on September 19, 1995. As explained in ¶6, above, I was on a honeymoon cruise on that date.
11. Attachment No. 3 hereto is a document entitled "Certificate of Construction". I states that the facilities for Station WNMT733 were fully constructed on November 18, 1988. The document also purports (by typewritten conformed indication) to have been signed by me on September 20, 1995. Until recently I had never seen this document. I have not recollection of ever having signed any such document at any time.
12. With respect to the September 20, 1995 date indicated on Attachment No. 3, I certainly did not sign this or any other document on that date. As explained in ¶6, above, on September 20, 1995, I was still on a honeymoon cruise with my wife. I have never authorized anyone else to sign such a document on my behalf.
13. With regard to the November 18, 1988 date indicated on Attachment No. 4, I did not provide that date to anyone in September of 1995 or at any other time. While it is my belief that Station WNMT733 was in fact fully constructed and operational on or before that date insofar as we were using the radios in our trucks by that time, I have nonetheless never been asked by anyone to go back and ascertain or confirm the actual construction date, nor have I ever done so.

14. It is my understanding that Attachment Nos. 2 and 3 were used in an application submitted to the FCC whereby the license for Station WNMT733 was assigned from United to Jim Doering d/b/a Doering Communications. I was never aware of or a party to any such application.
15. I have assisted in the preparation of this declaration. It is prepared on the basis of information provided by me and, prior to executing it below, I have reviewed the final version and verified the accuracy of the factual statements made herein. To summarize the information provided herein:
- I do not know Jim Doering and had never heard of him at the relevant time. I never intended to assign United's authorization to Mr. Doering or his company, nor have I ever taken any actions to do so.
  - I did not sign an FCC Form 1046 stating that United was assigning its authorization to Mr. Doering. I did, at some time prior to September 16, 1995, sign an FCC Form 1046 for the purpose of assignment the United license to Mr. Harold Pick. It was my understanding that the assignment to Mr. Pick was necessary in order for Mr. Pick to continue providing me with repeater service.
  - I signed no FCC Form 1046 on September 19, 1995, or at any other time after September 16, 1995. I signed no Certificate of Construction on September 20, 1995, or at any other time. I have never provided anyone with information to be used in the completion of a Certificate of Construction, nor have I ever authorized anyone to sign such a document on my behalf.

**Sworn Verification Under Penalty of Perjury**

On this 11<sup>th</sup> day of March, 1997, I hereby declare under penalty of perjury under the laws of the United States that the foregoing statements are true and correct to the best of my personal knowledge and are made in good faith.

  
Robert L. Springfield

**EXHIBIT NO. 6**



# Federal Communications Commission

1270 Fairfield Road  
Gettysburg, PA 17325-7245

OCT 12 1995

In Reply Refer To:

Shirley S. Fujimoto, Esquire  
Keller and Heckman  
Suite 500 West  
1001 G Street, N.W.  
Washington, D.C. 20001

Robert Schwaninger, Esquire  
Dennis Brown, Esquire  
Brown and Schwaninger  
Suite 650  
1835 K Street, N.W.  
Washington, D.C. 20006

Re: AVCOM Co.  
Station WNPA325

James A. Kay, Jr.  
Stations WNJL306  
and WNZO731

Dear Counsel:

This letter addresses the request for reinstatement of license filed by Cardin Asphalt, the request for renewal filed by AVCOM Company, and the request to add station WNZO731 to trunked station WNJL306 filed by James A. Kay, Jr. For the reasons that follow we will renew AVCOM's license, and deny the modification requested by James A. Kay Jr.

Convincing evidence has been presented to the Commission that Peggy Roamer, a receptionist at Cardin Asphalt, conspired with Donald Petrone to fraudulently assign Cardin Asphalt's end user license to Los Angeles Scrap and Iron Metal Corporation. Because the assignment application was fraudulently executed, it is void ab initio. See e.g., Vidcom Marketing, Inc., 6 FCC Rcd 1945 (1991) (para. 11). We will therefore reinstate and renew AVCOM's license for station WNPA325 and will modify the license to allow AVCOM to serve sufficient mobiles so as to resume service to Cardin Asphalt.

As a result, we also deny James A. Kay, Jr.'s request to add the channel associated with station WNZO731 to trunked system station WNPA325. In light of the disposition of the AVCOM request, Kay needs the consent of AVCOM to convert the channel to trunked use.